



DECISION MEMO
Clearwater County Sheriff's
Department Special Use Permit Renewal



USDA Forest Service, Northern Region
Nez Perce – Clearwater National Forest
North Fork Ranger District
Idaho County, Idaho

I. Background

After having reviewed relevant data, analyses, and public comments relating to this proposal, I have decided to approve the Clearwater County Sheriff's Department's request to renew its special use permit (NFK108) for a government-owned trailer on the Kelly Work Center compound. The legal coordinates for the trailer are T39N, R10E, Section 18, SWSW (Boise Meridian).

(See enclosed map.)

Purpose and Need

Due to the backlog of work, the permit (which expired on December 31, 2012) is now being processed for renewal. This permit allows Clearwater County Sheriff personnel a place to work from, to facilitate law enforcement patrols on the North Fork District.

The trailer is on the Kelly Work Center Compound and is connected to the work center water and septic systems. It rests on the distant east side of the compound, above the ground on its frame under a frame support roof to protect it from the snow. The trailer and shed were in place prior to granting the previous permit.

The trailer is used by the Sheriff's Department intermittently from approximately early May through October each year.

Because the trailer is hooked up to the current water and septic systems on the work center, and no physical changes are proposed, a BMP assessment is not applicable for this proposal.

III. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that

it meets all the criteria outlined in 36 CFR 220.6(e)(3): *Approval/modification of a minor special use of NFS lands that requires less than five continuous acres of land.*

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, 4) the project's consistency with laws and regulations, 5) the on-the-ground review and discussion with District resource specialists, and 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

B. Finding of the Absence of Extraordinary Circumstances to Resource Conditions

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species:

The Interdisciplinary Team (ID Team) Botanist, Wildlife and Fish biologists determined the proposed actions will have no effect or impact on listed or sensitive plant, wildlife or fish species or habitat, and suitable habitat will not be altered.

2. Floodplains, wetlands, or municipal watersheds:

The District Hydrologist confirmed the project area is not located in, and will not affect any municipal watersheds, and he made the following comments:

Floodplains: *The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.*

Wetlands: *The Project does not propose to modify, occupy, or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.*

Municipal Watersheds: *The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.*

The project proposes no new ground disturbing activities within the existing administrative site. The project proposes only an administrative reissuance of an existing special use permit.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:

The trailer is not located within congressionally designated wilderness areas, wilderness study areas or Wild and Scenic River corridors; therefore, no extraordinary circumstances were identified to these resources.

4. Inventoried Roadless areas or potential wilderness areas:

The project is not located in a potential wilderness area; therefore, the proposed action will have no effect on Roadless characteristics as identified in 36 CFR 294.

5. Research Natural Areas:

The proposed activities are not within or adjacent to any Research Natural Areas.

6. American Indians and Alaska native religious or cultural sites and

7. Archaeological sites or historical properties or areas:

The Forest Archaeologist has made the determination that, "... this renewal has no potential to cause effects on historic properties, assuming such properties are present; therefore, the Forest Service has no further legal obligation concerning National Historic Preservation Act compliance."

8. Soils:

The Soil Scientist has determined: Site is located adjacent to landslide prone slopes. No new ground disturbing activities are proposed, and continued use of a trailer office does not affect the landslide prone land. Soil quality standards apply to lands where vegetation and water resource management are the principal objectives. Regional Standards do not apply to administrative sites.

Interested and Affected Agencies, Organizations, and Persons Contacted

On August 16, 2013, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribes. Additionally, a legal notice appeared in the *Lewiston Tribune* on August 21, 2013, inviting comments for 30 days from publication. Three letters were received addressing this project during the public comment period but only one had a specific concern and is addressed in Appendix A. Project information has also been made available at <http://www.fs.usda.gov/nezperceclearwater> under NEPA projects.

III. Findings Required by other Laws:

Based on my review of the actions associated with this project, I find that the Clearwater County Sheriff's Department's Special Use Permit Renewal request is consistent with applicable Federal laws and regulations, including the standards and guidelines contained in the 1987 Clearwater National Forest Plan, as amended, as required by the National Forest Management Act of 1976. My decision also complies with all Federal, state or local laws or requirements for the protection of the environment and cultural resources, as follows:

National Forest Management Act and Clearwater National Forest Plan: This action is consistent with the standards and guidelines contained in the 1987 Clearwater National Forest Plan, as amended, as required by the National Forest Management Act of 1976. The National Forest Management Act (NFMA) and accompanying regulations require that several specific findings be documented at the project level. All proposals that involve vegetation manipulation of tree cover for any purpose must comply with the requirements found in 36 CFR 219.28. The proposed action complies with 36 CFR 219.28(c) by contributing to the achievement of desired conditions and ecological sustainability, and is necessary to protect multiple-use values other than timber production.

Forest Plan Amendment 20 - PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action comply with direction regarding PACFISH (refer to the project record).

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

Clean Water Act and State Water Quality Laws: The ID Team Hydrologist has determined that this project complies with the Clean Water Act and state water quality laws, and will protect beneficial uses.

Clean Air Act: This project will comply with the provisions of the Clean Air Act. Any prescribed burning associated with this project will comply with state and Federal air quality regulations. Compliance with procedures outlined in the North Idaho Smoke Management Memorandum of Agreement will result in no long term impacts to air quality. These measures protect air quality and comply with the rules, regulations, and permit procedures of the EPA and the IDEQ.

Migratory Bird Treaty Act: The proposed action will comply with the Migratory Bird Treaty Act. There will not be a measurable impact on neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

National Historic Preservation Act: This project meets the Agency's responsibilities under the National Historic Preservation Act and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

American Indian Treaty Rights: The Nez Perce Tribal Government Liaison reviewed the project, and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

Environmental Justice: I assessed the proposed action and determined it will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities or the civil rights of any American Citizen, in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

Prime Farm Land, Range Land, and Forest Land: The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

Energy Requirements: There are no unusual energy requirements for implementing the proposed action.

Other Laws or Requirements: The proposed action is consistent with all other Federal, State or local laws or requirements for the protection of the environment and cultural resources.

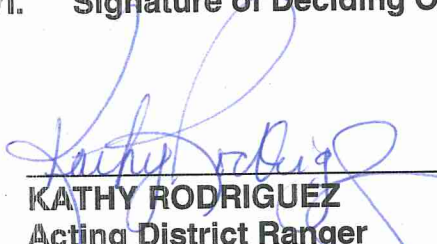
IV. Review and Appeal Opportunities, and Implementation Date

Pursuant to 36 CFR 214.4(c), this decision is subject to appeal by the holder, operator or applicant directly affected by the decision.

V. Contact Person

Questions regarding this decision should be sent to Linda S. Helm, Small NEPA Team Coordinator, c/o Nez Perce Supervisor's Office, 104 Airport Road, Grangeville, Idaho 83530 or by telephone to (208) 935-4285 or facsimile transmittal at (208) 983-4042 during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

VI. Signature of Deciding Officer



KATHY RODRIGUEZ
Acting District Ranger
North Fork Ranger District



Date

Enclosures: Map of Trailer Site; Photographs of Trailer and Site; Appendix A

cc: Teresa Trulock, Molly Puchlerz

MAP OF TRAILER SITE

